REMARKS

Claims 1-30 are pending, with claims 1, 8, 11, 21, and 28 being independent. Claims 1, 4-5, 8-22, 24, 26, and 28-29 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-30 of the present application (the '374 application) stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as allegedly being unpatentable over claims 1-23 of copending Application No. 09/768,375 (the '375 application). This rejection is respectfully traversed. The claims in these two applications are directed to distinct inventions. The '374 application relates to protocol translation on a proxy node, and the '375 application relates to socket filtering on an application node. Independent claims 1 in the two applications recite different processing operations performed on different system elements, and thus clearly demonstrate the patentably distinct nature of the claims. For example, a packet and a call cannot be equated, as suggested in the office action, as each has a distinct meaning in computer science and are not used interchangeably. While the systems and techniques of the '374 and '375 applications can be used with each other, they can also be used separately. In view of these remarks and the amendments to the claims, withdrawal of the provisional rejection of claim 1-30 is respectfully requested.

Claims 1 and 6-8 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ortega (US Patent No. 6,711,162) in view of Wang (US Patent No. 6,708,223). This contention is respectfully traversed.

Independent claims 1 and 8 have been amended to clarify the claimed subject matter. Support for these amendments can be found throughout the application as filed. Claim 1 now recites, "wherein the first and second protocols comprise first and second transport-layer, connection-oriented, byte stream based protocols, and the proxy node manages first and second endpoints corresponding to the first and second protocols." Ortega performs protocol translation at the link layer of a network protocol stack. Ortega's proxy engine has no knowledge of the transport layer of the network stack and has no knowledge of transport endpoints.

Claim 8 now recites, "wherein the first and second protocols comprise first and second transport-layer, connection-oriented, byte stream based protocols." Additionally, claim 8 calls for "sending a response from the proxy node to the first node using the first protocol, if said processing results in a determination that the packet need not be translated and sent to the second node." In contrast, Ortega performs protocol translation at the link layer of a network protocol stack, and Ortega does not describe the claimed protocol translation where a packet processed at a proxy node can result in the proxy node sending a response to the packet without also translating the packet to the second protocol.

Moreover, claim 8 calls for "receiving a packet at a proxy node in a system area network from a first node that generated the packet using a first protocol wherein the packet is addressed to a second node in the system area network that uses a second protocol." The art of record fails to teach or suggest this claim feature. The suggested combination of Ortega and Wang cannot result in this claimed subject matter, as Ortega

requires the proxy node and the destination node for the packet
to be on different networks.

Thus, independent claims 1 and 8 should be in condition for
allowance. Dependent claims 2-7 and 9-10 are patentable based
on the above arguments and their own merits.

Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as
allegedly being unpatentable over Ortega and Wang in further
view of Gopalakrishna (US Patent No. 6,614,808). This
contention is respectfully traversed.

Gopalakrishna teaches multiplexing and demultiplexing
packets at the session layer, not translation of packets from a
first transport-layer protocol to a second transport-layer
protocol where a single packet in the first protocol can be
translated into multiple packets in the second protocol to send,
or multiple packets of the first protocol can be translated into
a single packet of the second protocol to send, as claimed.
Moreover, even if the suggested combination of Gopalakrishna and
Ortega could be made, the result would be placement the
multiplexing-demultiplexing techniques of Gopalakrishna on top
of Ortega, where the various techniques would operate
independently. The suggested combination would not result in a
modification of the protocol translation of Ortega. Thus,
claims 2 and 3 should be in condition for allowance.

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as
allegedly being unpatentable over Ortega and Wang in further
view of Katseff (US Patent No. 6,075,796) and an official
notice. Claims 9 and 10 stand rejected under 35 U.S.C. 103(a)
as allegedly being unpatentable over Ortega and Wang in further
view of Katseff. These contentions are respectfully traversed.

In view of the amendments to independent claims 1 and 8,
withdrawal of the rejections of claims 4, 5, 9, and 10 is

respectfully requested, as user datagram protocol (UDP) is not a transport-layer, connection-oriented, byte stream based protocol as now claimed. Additionally, claims 4, 5, 9, and 10 have been amended to clarify that the lightweight protocol is a lightweight, system area network protocol. Thus, claims 4, 5, 9, and 10 should be in condition for allowance.

Claims 11-16 and 18 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff in view of Wang. Claim 17 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff and Wang in view of an Official Notice. Claim 19 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff and Wang in view of Jordan (US Patent No. 6,438,652). Claim 20 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff and Wang in view of Dutta (US Patent No. 6,546,423). Claims 21-24 and 27-30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff in view of Wang in further view of Newton's Telecom Dictionary, 19th Edition by Harry Newton. Claim 25 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff, Wang, and Newton. Claim 26 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Katseff, Wang and Newton in view of an Official Notice. These contentions are respectfully traversed.

Independent claims 11, 21, and 28 have been amended to recite, "wherein the first and second protocols comprise first and second transport-layer, connection-oriented, byte stream based protocols." The art of record fails to teach or suggest the protocol translation as claimed, where translation of a packet between first and second transport-layer, connection-oriented, byte stream based protocols occurs if the packet meets a specified criterion. In addition to the differences in the

13

claimed protocols, Katseff does not describe per-packet criteria
checking, but rather does protocol translation on a per-user-
basis, checking the nature of the destination network, not the
nature of the packet. Thus, independent claims 11, 21, and 28
should be in condition for allowance. Dependent claims 12-20,
22-27, and 29-30 are patentable based on the above arguments and
their own merits.

    Additionally, with respect to independent claim 11 and its
dependent claims, these claims have been amended to clarify that
the network node, the proxy node and the application node are
all included in the system area network, whereas the network
client can be located on another network. The corresponding
nodes in Katseff, as identified in the official action, do not
reside in a single network. Moreover, even if the suggested
combination of Katseff and Wang could be made, the identified
nodes of Katseff would still not be placed together in a system
area network, since doing so would defeat the expressed purpose
of Katseff. Katseff is designed to address the differences
among multiple networks being used between the network node,
proxy node and application node, as these nodes are identified
in the official action.

    With respect to claims 12-16, 22-24, and 29, Katseff does
not describe per-packet criteria checking, and thus does not
teach or suggest translating a second packet if the second
packet meets a specified criterion, processing a first or second
packet if the first or second packet does not meet the specified
criteria, or sending a response, as claimed. Claims 13, 16, 22,
24, and 29 have been amended to clarify the nature of the
response to help further distinguish the claimed subject matter
over the art of record.

In view of the amendments to independent claims 11, 21 and 28, withdrawal of the rejections of claims 17 and 26-27 is respectfully requested. Additionally, claims 17 and 26 have been amended to clarify that the lightweight protocol is a lightweight, system area network protocol.

With respect to claims 19 and 20, Jordan does not teach load balancing based on protocol processing requirements. Rather, Jordan teaches load balancing based on a request level; when a request is received, the load of a cache server is determined and load balancing is performed accordingly. In contrast, claim 19 defines multiple network nodes in a system area network (SAN) where each network node performs load balancing among the proxy nodes in the system area network based on protocol processing requirements. This load balancing is at the connection level, and load is balanced across proxy nodes that do transport-layer protocol translation. This is neither taught nor suggested by the art of record. Additionally, claim 20 has been amended to depend from claim 19, thus claim 20 now covers multi-level, distributed load balancing. The art of record fails to teach or suggest distributed load balancing on multiple levels, a first level being network nodes in a SAN that balance load across proxy nodes in the SAN based on protocol processing requirements, and a second level being the proxy nodes in the SAN that balance load across application nodes in the SAN based on application processing requirements.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Additionally, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due with this response. Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 23, 2004

William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer Number: **20985**
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10400832.doc